

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**HAYWARD W. OLIVER, JR.,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

Defendant.

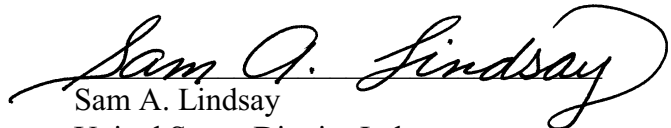
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Civil Action No. **3:13-CV-2386-L**

**ORDER**

This case was referred to Magistrate Judge Paul D. Stickney, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on August 27, 2013, recommending that this action be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute and that Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (Doc. 5), filed June 21, 2013, be denied. No objections to the Report were filed. Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute and **denies as moot** Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (Doc. 5).

**It is so ordered** this 23rd day of September, 2013.

  
Sam A. Lindsay  
United States District Judge